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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,993	12/31/2001	Ernest A. Hopcus	56336US002	5306
32692	7590	08/04/2004	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY			RHEE, JANE J	
PO BOX 33427			ART UNIT	
ST. PAUL, MN 55133-3427			PAPER NUMBER	

1772

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/036,993

Applicant(s)

HOPCUS ET AL.

Examiner

Jane Rhee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-19,21-37,39-46,51 and 52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-19,21-37,39-46,51-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Rejections Repeated***

1. The 35 U.S.C. 102 (b) rejection anticipated by Tsukazaki et al. of claims 1-5,7-11,14 has been repeated for the reasons made previously in Paper 8.
2. The 35 U.S.C. 102 (b) rejection anticipated by Tsukazaki et al. of claims 29-37,39-43, has been repeated for the reasons made previously in Paper 8.
3. The 35 U.S.C. 103 (a) rejection over Tsukazaki et al. in view of Sadlo et al. of claims 12,13,15-19,21-28,44,45,47-49 has been repeated for the reasons made previously in Paper 8.
4. The 35 U.S.C. 102 (b) rejection anticipated by Someno et al. of claims 1-5,7-9,11-14,29-23,25-37,39-41,43-46,51-52 has been repeated for the reasons made previously in response 2/20/2004.
5. The 35 U.S.C. 103 (a) rejection over Someno et al. of claims 15-19,21-23,25-28 has been repeated for the reasons made previously in response 2/20/2004.
6. The 35 U.S.C. 103(a) rejection over Someno et al. in view of Tsukazaki et al. of claims 10,24,42 for the reasons made previously in response 2/20/2004.

### ***Response to Arguments***

7. Applicant's arguments filed 5/21/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that Tsukazaki does not disclose a core having a primary line of weakening that has a periodic sinusoidal, zig-zag

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shaped, triangular, or trapezoidal wave form, Tsukazaki et al. discloses that at least one primary weakening line has a zig-zag wave form (figure 6).

In response to applicant's argument that Someno does not disclose a core having a primary line of weakening that has a periodic sinusoidal, zig-zag shaped, triangular, or trapezoidal wave form, Someno et al. discloses that the plurality of primary weakening line sections are zig-zag shaped (page 5 lines 18 and also see figure 8 and 9). Zig-zag is defined as a line or course that proceeds by sharp turns in alternating directions<sup>1</sup> and as depicted in figure 8 and figure 9 Someno et al. discloses that the weakened line sections are zig zaged shaped.

Thus, in the absence of any evidence to the contrary, it remains the Examiner's position that the claimed invention is anticipated or rendered obvious over the prior art of record discussed above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jane Rhee  
July 27, 2004



NASSER AHMAD  
PRIMARY EXAMINER